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manency of the remedy offered by the act through the improved system of the registration of transfers.

The annotations in Mr. Massie's book are full and clear. A long list of forms is added. The book will undoubtedly be of value not only to lawyers in Virginia, but to lawyers in other states where a Torrens Act is in force.

A. E. HOWARD, JR.

The Law and the Practice of Municipal Home Rule. By Howard Lee McBain. Columbia University Press, New York City. 1916. pp. 724.

The development of our political institutions has shown two divergent tendencies; the one toward greater centralization of power, the other directly opposite. The first is manifest in the gradual centralization of our government from a collection of isolated communities in the early colonial days into colonies, then into the loose federation under the Articles of Confederation, later into the somewhat stronger union of the early United States under the Constitution with its emphasis on states' rights and numerous restrictions on federal power, indicating a distrust of a strongly centralized government, resulting finally in the present strongly centralized government with less emphasis on states' rights and greater federal control extended over the states, largely by the free interpretation of the commerce clause.

Of recent years there has been manifest within the states a tendency away from centralized power in regard to matters of local interest. This has been due to the rapid growth of the city, with its peculiar problems and its strong sense of civic identity. In our early history the state legislatures were fully competent to enact laws for the small villages and towns within their boundaries. The rise of the city has created problems with which the state legislatures, drawn in controlling numbers from other and smaller communities, have been unfitted to cope. Further, the city has been jealous of control from the outside and unwilling to have its local rules determined by a state legislature. The result of this has been the cry for "home rule"—the right of a city to govern itself and make its own rules in matters peculiar to itself.

The book under review is aimed to throw some light on the situation thus arising, to point out the pitfalls into which legislators have hitherto fallen in their attempt to bring about home

rule, and to offer some suggestions whereby adequate provision for home rule may be assured. That this is no easy task is apparent from a mere cursory reading of the book. The legislatures and even the courts have been exceedingly ready to nullify the effect of constitutional provisions and statutes passed to bring about some degree of home rule. For example, under the New York constitution of 1846 there was a provision providing for the local selection of local officers. There was also a provision whereby the legislature could select "all officers whose offices may hereafter be created by law." The legislature avoided the constitutional requirement of local selection of local officers by creating a Metropolitan Police District, a Metropolitan Sanitary District, and others, whose territorial limits were practically coincident with those of New York City, which were to perform local duties and whose members were to be appointed by the legislature as "officers whose offices may hereafter be created by law," and thus in fact the legislature itself selected local officers in spite of the constitutional provision against it. Numerous examples of other ingenious methods of circumventing the constitutional provisions in this and other states are given.

A large part of the book is taken up with a careful analysis of the history of the home rule in those states which have granted charter-making powers to cities; namely, Missouri, California, Washington, Minnesota, Colorado, Oklahoma, Arizona, Oregon, Michigan, Ohio, Nebraska and Texas.

The final chapter contains valuable conclusions as to the machinery of home rule, the terms in which it should be granted, and the relation between the powers of cities and the powers of state legislatures. The author apparently favors its extension under a system analogous to the federal system of government, power over their own affairs being conferred upon cities by a state constitution in much the same way as it was over state affairs as reserved to the states by the nation, the people of each city being compelled to work out for themselves an appropriate machinery for the exercise of these powers.

The book is very evidently the result of long and patient research. It is written in a clear and logical style—a scholarly work. It is not written for the lawyer as a legal textbook, but rather as an aid to the student and serious-minded reformer of our present system of city government. We commend it to all such as a book well worth the careful study necessary to its appreciation.

WM. W. GAGER.